

## **REMARKS**

In accordance with the forgoing, claims 1, 6, 8, 16, 19 and 22 are amended. No new matter has been added as a result of the amendments. The following remarks are respectfully submitted.

### **I. Allowable Subject Matter**

The indicated allowability of claims 6-8 and 19-22 is withdrawn in view of the newly discovered reference(s) to Grandjean (U.S. patent No. 5,716,391), Peterfeso et al. (U.S. Patent No. 6,298,272), and Altman et al. (U.S. Patent No. 6,416,510), Keogh et al. (U.S. 2002/0138109). Rejections based on the newly cited reference(s) below.

### **II. Rejections under 35 USC §103**

Claims 1-8, 12-18 stand rejected under 35 USC § 103(a) as being unpatentable over Min et al. (U.S. Patent No. 6,937,897) as applied in the previous Office Action of February 13, 2006, and further in view of Grandjean (U.S. Patent No. 5,716,391). Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Min et al. in view of Grandjean, as applied to claims 1-8 and 12-18 above, and further in view of Keogh et al. (U.S. 2002/0138109). Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Min et al. in view of Grandjean, as applied to claims 1-8 and 12-18 above, and further in view of Peterfeso et al. (U.S. Patent No. 6,298,272). Claims 19-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Min et al., as applied to claims 1-18 above, and further in view of Altman et al. (U.S. Patent No. 6,416,510).

Applicant traverses the rejections of claims 1-22 asserting that none of Min et al., Grandjean, Keogh et al., Peterfeso et al. and Altman et al., either individually or in any combination, teach or suggest every element and limitation of claims 1-22. For example, each of independent claims 1, 6, 8, 19 and 22

define an implantable medical device that includes, *inter alia*, a distal tip coupled to an elongated body, wherein the distal tip includes a canted passageway extending distally from a lumen of the body, and an opening that terminates the passageway, that is positioned in proximity to a distal end of the distal tip, and that is oriented in a plane approximately parallel with a longitudinal axis of the distal tip. Claims 1, 6, 8, 19 and 22 go on to define a helical fixation element of the device being coupled to an elongated member of the device that is adapted to move the helical element through the passageway and out the opening. None of the cited references either teach or suggest a helical fixation element that is moved through an opening which terminates a canted passageway in a distal tip, and which is oriented in a plane approximately parallel with a longitudinal axis of the distal tip. Rather, each of the cited reference that include descriptions of helical elements for fixation, for example, Min et al., Grandjean, Altman et al. and Peterfeso et al., show helical elements extending from openings of distal tips that are oriented in planes perpendicular to a longitudinal axis of the distal tips.

In light of the argument presented above, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1-22.

### **III. Conclusion**

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

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Date

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